

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PHIL D. MILLS,

CASE NO. 5:24 CV 680

Petitioner,

v.

JUDGE JAMES R. KNEPP II

WARDEN HAROLD MAY,

Respondent.

ORDER

This matter is before the Court on Magistrate Judge Reuben J. Sheperd's Report and Recommendation ("R&R") to dismiss Petitioner Phil D. Mills's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254. (Doc. 12). Specifically, Magistrate Judge Sheperd recommends Petitioner's ten grounds for relief all be dismissed as procedurally defaulted. *See id.* at 23-44

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the R&R was issued on April 25, 2025, and it is now June 9, 2025. Petitioner has neither filed objections nor requested an extension of time to file them. Despite the lack of objections, the Court has reviewed Magistrate Judge Sheperd's R&R, and agrees with the findings

and recommended rulings therein. Therefore, the Court ADOPTS Magistrate Judge Sheperd's R&R (Doc. 12) as the Order of this Court, and DISMISSES Petitioner's Petition (Doc. 1) as set forth therein.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Further, because Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

IT IS SO ORDERED.

s/ James R. Knepp II
UNITED STATES DISTRICT JUDGE

Dated: June 9, 2025